

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

DAVID WHITNEY,)	Case No.: 10-CV-00713-LHK
)	
Plaintiff,)	ORDER REMANDING CASE TO
v.)	SANTA CLARA COUNTY SUPERIOR
)	COURT
JP MORGAN CHASE, ET AL.,)	
)	
Defendants.)	

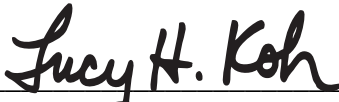
This case was reassigned to this Court on August 2, 2010. Thereafter, Defendants re-noticed a motion to dismiss, which was set for hearing on December 9, 2010. In lieu of filing an Opposition, Plaintiff filed a “Notice of Non-opposition and Intent to Dismiss Federal Claims and Prayer to Remand Case to State Court.” *See* Dkt. #17. In that brief, Plaintiff stipulated to dismissal of his federal claims. Defendants did not file a Reply.

Pursuant to Federal Rule of Civil Procedure 41(a), a plaintiff may dismiss an action without a court order by filing “a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment.” Defendant has not filed an answer or a motion for summary judgment. Thus, Plaintiff’s federal claims are dismissed. The Court declines to exercise jurisdiction over Plaintiff’s state law claims. *See* 28 U.S.C. § 1367(c)(3) (a court may decline to exercise supplemental jurisdiction where it “has dismissed all claims over which it has original jurisdiction.”). Accordingly, the case is REMANDED to the Superior Court for Santa Clara

County. The Clerk shall close the file and terminate any pending motions. The motion hearing and Case Management Conference scheduled for December 9, 2010 are vacated.

IT IS SO ORDERED.

Dated: November 30, 2010



LUCY H. KOH
United States District Judge

United States District Court
For the Northern District of California